Application No. Application No. Application No. 10/036,691 TAYLOR, FREDRICK Examiner Art Unit Steven D. Maki 1733		Ameliandian Na	A = (!===4(=)
Steven D. Maki		Application No.	Applicant(s)
The MAILING DATE of this communication appears on the cover sheet with the correspondence address—All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewill (or prevously realized), a Notice of Allowance (PTOL-89) or other appropriate communication will be mailed in the course. THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS. This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 3 of CPR 1313 and MPEP 1308. 1. ☑ This communication is responsive to 4.11.05 2. ☑ The allowed claim(s) is/are 5.8-12.15 and 17-20 3. ☐ The drawings filed on are accepted by the Examiner. 4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) ☐ All b) ☐ Some c) ☐ None of the: 1. ☐ Certified copies of the priority documents have been received. 2. ☐ Certified copies of the priority documents have been received in Application No 3. ☐ Opies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)). **Certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)). **Certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)). **Certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)). **Certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)). **Certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)). **Certified copies of the priority documents have been received in this national stage application from the	· Nation of Allowshilling		
The MAILING DATE of this communication appears on the cover sheet with the correspondence address—All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application in the course. This notice of allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application in the course. This NoTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS. This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308. 1. ☑ This communication is responsive to 4-11-05. 2. ☑ The allowed claim(s) is/are 5.8-12.15 and 17-20. 3. ☐ The drawings filled on are accepted by the Examiner. 4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f) a) ☐ All b) ☐ Some* c) ☐ None of the: 1. ☐ Certified copies of the priority documents have been received. 2. ☐ Certified copies of the priority documents have been received in Application No 3. ☐ Oppies of the certified copies of the priority documents have been received in International Bureau (PCT Rule 17.2(a)). *Certified copies not received: Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. THIS THREE-MONTH PERIOD IS NOT EXTENDABLE 5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient. (a) ☑ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached 1) ☐ heretor or 2) ☑ to Paper No./Mail Date @ 111903 (b) ☐ including changes required by the Notice of Draftsperson's Patent Drawing in the front (not the back) of seach sheet. Replacement sheets') must be submitted. (a) ☑ including changes required by the Allowable of the proof of the proof of the proof of	Notice of Allowability	Examiner	Art Unit
The MAILING DATE of this communication appears on the cover sheet with the correspondence address—All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application in the course. This notice of allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application in the course. This NoTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS. This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308. 1. ☑ This communication is responsive to 4-11-05. 2. ☑ The allowed claim(s) is/are 5.8-12.15 and 17-20. 3. ☐ The drawings filled on are accepted by the Examiner. 4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f) a) ☐ All b) ☐ Some* c) ☐ None of the: 1. ☐ Certified copies of the priority documents have been received. 2. ☐ Certified copies of the priority documents have been received in Application No 3. ☐ Oppies of the certified copies of the priority documents have been received in International Bureau (PCT Rule 17.2(a)). *Certified copies not received: Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. THIS THREE-MONTH PERIOD IS NOT EXTENDABLE 5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient. (a) ☑ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached 1) ☐ heretor or 2) ☑ to Paper No./Mail Date @ 111903 (b) ☐ including changes required by the Notice of Draftsperson's Patent Drawing in the front (not the back) of seach sheet. Replacement sheets') must be submitted. (a) ☑ including changes required by the Allowable of the proof of the proof of the proof of		Steven D. Maki	1733
2. ☑ The allowed claim(s) Is/are \$5.8-12.15 and 17-20. 3. ☐ The drawings filed on are accepted by the Examiner. 4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) ☐ All b) ☐ Some* c) ☐ None of the: 1. ☐ Certified copies of the priority documents have been received. 2. ☐ Certified copies of the priority documents have been received in Application No 3. ☐ Copies of the certified copies of the priority documents have been received in Application No 4. ☐ Certified copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)). *Certified copies not received: Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to limely comply will result in ABANDONMENT of this application. THIS THREE-MONTH PERIOD IS NOT EXTENDABLE. 5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient. 6. ☑ CORRECTED DRAWINGS (as "replacement sheets") must be submitted. (a) ☑ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached 1) ☐ hereto or 2) ☑ to Paper No./Mail Date 6/111903 (b) ☐ including changes required by the etachede Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date — International Patent Application (PTO-152) 1. ☐ Motice of References Cited (PTO-892) 2. ☐ Notice of References Cited (PTO-892) 3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date (PZ-5205),	All claims being allowable, PROSECUTION ON THE MERITS IS (herewith (or previously mailed), a Notice of Allowance (PTOL-85) NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGOR (The Office or upon petition by the applicant. See 37 CFR 1.313	(OR REMAINS) CLOSED in or other appropriate commu GHTS. This application is so	this application. If not included nication will be mailed in due course. THIS
3.	1. \square This communication is responsive to <u>4-11-05</u> .		•
4. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some* c) None of the: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)). * Certified copies not received: Applicant has THREE MONTH'S FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to limely comply will result in ABANDONMENT of this application. THIS THREE-MONTH PERIOD IS NOT EXTENDABLE. 5. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient. 6. CORRECTED DRAWINGS (as "replacement sheets") must be submitted. (a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached 1) hereto or 2) Io Paper No./Mail Date Mail Date Syl111903 (b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date Mail	2. A The allowed claim(s) is/are 5,8-12,15 and 17-20.		·
a) All b) Some* c) None of the: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No	3. The drawings filed on are accepted by the Examiner		
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)). **Certified copies not received:	a) ☐ All b) ☐ Some* c) ☐ None of the:		or (f).
International Bureau (PCT Rule 17.2(a)). * Certified copies not received:	2. Certified copies of the priority documents have	been received in Application	n No
* Certified copies not received:	3. Copies of the certified copies of the priority doc	uments have been received	in this national stage application from the
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. THIS THREE-MONTH PERIOD IS NOT EXTENDABLE. 5. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient. 6. CORRECTED DRAWINGS (as "replacement sheets") must be submitted. (a) Including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached 1) hereto or 2) Io Paper No./Mail Date 6/111903. (b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date	International Bureau (PCT Rule 17.2(a)).		
noted below. Failure to timely comply will result in ABANDONMENT of this application. THIS THREE-MONTH PERIOD IS NOT EXTENDABLE. 5. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient. 6. CORRECTED DRAWINGS (as "replacement sheets") must be submitted. (a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached 1) hereto or 2) to Paper No./Mail Date 6/111903. (b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date 10 page No./Mail	* Certified copies not received:		
INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient. 6. ☑ CORRECTED DRAWINGS (as "replacement sheets") must be submitted. (a) ☑ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached 1) ☐ hereto or 2) ☑ to Paper No./Mail Date 6/111903. (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date Identifying Indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d). 7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL. Attachment(s) 1. ☑ Notice of References Cited (PTO-892) 2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948) 3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date Paper No./Mail Date 4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material 9. ☐ Other 8. ☑ Examiner's Statement of Reasons for Alignance of Biological Material	noted below. Failure to timely comply will result in ABANDONM	of this communication to file ENT of this application.	a reply complying with the requirements
(a) ⊠ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached 1) ☐ hereto or 2) ☒ to Paper No./Mail Date 6/111903. (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date Identifying Indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheat. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d). 7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL. Attachment(s) 1. ☒ Notice of References Cited (PTO-892) 2. ☐ Notice of Oraftperson's Patent Drawing Review (PTO-948) 3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date	 A SUBSTITUTE OATH OR DECLARATION must be submit INFORMAL PATENT APPLICATION (PTO-152) which give 	tted. Note the attached EXA s reason(s) why the oath or	MINER'S AMENDMENT or NOTICE OF declaration is deficient.
(a) ⊠ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached 1) ☐ hereto or 2) ☒ to Paper No./Mail Date 6/111903. (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date Identifying Indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheat. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d). 7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL. Attachment(s) 1. ☒ Notice of References Cited (PTO-892) 2. ☐ Notice of Oraftperson's Patent Drawing Review (PTO-948) 3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date	6. X CORRECTED DRAWINGS (as "replacement sheets") must	be submitted.	
1) hereto or 2) to Paper No./Mail Date 6/111903. (b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date Identifying Indicta such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d). 7. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL. Attachment(s) 1. Attachment(s) 1. Attachment(s) 2. Notice of References Cited (PTO-892) 2. Notice of Draftperson's Patent Drawing Review (PTO-948) 3. Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 042505 4. Examiner's Comment Regarding Requirement for Deposit of Biological Material 9. Other			(PTO-948) attached
Paper No./Mail Date Identifying Indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d). 7. □ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL. Attachment(s) 1. ☑ Notice of References Cited (PTO-892) 2. □ Notice of Draftperson's Patent Drawing Review (PTO-948) 3. □ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date Od2505 Paper No./Mail Date Od2505 7. ☑ Examiner's Amendment/Comment Paper No./Mail Date Od2505 8. ☑ Examiner's Statement of Reasons for Aliewance of Biological Material			
each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d). 7. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL. Attachment(s) 1. Attachment(s) 1. Notice of References Cited (PTO-892) 2. Notice of Draftperson's Patent Drawing Review (PTO-948) 3. Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date ————————————————————————————————————		Amendment / Comment or	in the Office action of
attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL. Attachment(s)	Identifying indicia such as the application number (see 37 CFR 1.6 each sheet. Replacement sheet(s) should be labeled as such in the	84(c)) should be written on the e header according to 37 CFF	e drawings in the front (not the back) of R 1.121(d).
1. ☑ Notice of References Cited (PTO-892) 2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948) 3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material 5. ☐ Notice of Informal Patent Application (PTO-152) 6. ☑ Interview Summary (PTO-413), Paper No./Mail Date 042505. 7. ☑ Examiner's Amendment/Comment 99. ☐ Other 8. ☑ Examiner's Statement of Reasons for Allowance 99. ☐ Other	 DEPOSIT OF and/or INFORMATION about the depos attached Examiner's comment regarding REQUIREMENT F 	it of BIOLOGICAL MATE OR THE DEPOSIT OF BIO	RIAL must be submitted. Note the LOGICAL MATERIAL.
1. ☑ Notice of References Cited (PTO-892) 2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948) 3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material 5. ☐ Notice of Informal Patent Application (PTO-152) 6. ☑ Interview Summary (PTO-413), Paper No./Mail Date 042505. 7. ☑ Examiner's Amendment/Comment 99. ☐ Other 8. ☑ Examiner's Statement of Reasons for Allowance 99. ☐ Other			. 1
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948) 3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date			
Paper No./Mail Date			
Paper No./Mail Date 4. □ Examiner's Comment Regarding Requirement for Deposit of Biological Material 9. □ Other 100000 11,00000 11,00000 11,00000 11,00000 11,000000 11,000000 11,000000 11,000000 11,000000 11,000000 11,000000 11,0000000 11,0000000 11,0000000 11,00000000		Paper No./N	Mail Date <u>042505</u> .
of Biological Material 9. Other 81 000000 11 80 00000 11 9000000 11 9000000 11 900000 11 900000 11 900000 11 900000 11 900000 11 900000 11 900000 11 900000 11 900000 11 900000 11 900000 11 900000 11 900000 11 900000 11 900000 11 900000 11 900000 11 900000 11 9000000 11 900000 11 900000 11 900000 11 900000 11 900000 11 900000 11 900000 11 900000 11 900000 11 900000 11 900000 11 900000 11 9000000 11 900000 11 900000 11 900000 11 900000 11 900000 11 90000000 11 900000 11 900000 11 900000 11 900000 11 900000 11 900000 11 900000 11 900000 11 900000 11 900000 11 900000 11 900000 11 900000 11 9000000 11 9000000 11 9000000 11 9000000 11 900000 11 900000 11 9000000 11 900000 11 900000 11 900000 11 900000 11 9000000 11 900000 11 900000 11 900000 11 900000 11 900000 11 900000 11 900000 11 900000 11 900000 11 900000 11 900000 11 900000 11 900000 11 900000 11 900000 11 900000 11 900000 11 900000 11 900000000	Paper No./Mail Date	3), 7. ⊠ Examiner's A	Amendment/Comment 159
/DAY11 0000000			***
	or blological Material	9. 🔲 Other	00000001 165.00 DA
			VDAY11

U.S. Patent and Trademark Office PTOL-37 (Rev. 1-04)

Part of Paper No./Mail Date 042505

Application/Control Number: 10/036,691

Art Unit: 1733

Extension of Time

Page 2

An extension of time under 37 CFR 1.136(a) is required in order to make an examiner's amendment which places this application in condition for allowance. During a telephone conversation conducted on 4-21-05, Todd Deveau requested an extension of time for TWO MONTH(S) and authorized the Director to charge Deposit Account No. 20-0778 the required fee of \$165 for this extension and authorized the following examiner's amendment. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Examiner's Amendment

2) An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

In claim 18:

line 1 change "Claim 17" to --Claim 12--

line 1 after "further" insert --comprising--

line 2 delete -- consisting of--

In claims 8, 11, 12, 15 and 19:

change "(previously amended)" to --(previously presented)--

1

Application/Control Number: 10/036,691 Page 3

Art Unit: 1733

3) Authorization for this examiner's amendment was given in a telephone interview with Todd Deveau on 4-21-05.

Reasons for Allowance

4) The following is an examiner's statement of reasons for allowance:

The prior art rejections set forth in the last office action dated 12-10-04 have been withdrawn in view of applicant's arguments in the response filed 4-11-05. It is emphasized that (1) page 8 of the original disclosure describes "Ethylene Propylene Rubber" whereas page 9 of the original disclosure describes "Antiozonant Preferably EPDM Particle" and (2) applicant states "... none of the cited references teaches or suggests ethylene propylene rubber (EPR). The Office Action relies on Sandstrom as teaching EPDM (ethylene-propylene terpolymer). EPDM, however, is not ethylenepropylene rubber (EPR) recited in the claims. According to The Condensed Chemical. Dictionary, ethylene-propylene rubber (EPR) is an elastomer made by the stereospecific copolymerization of ethylene and propylene. EPR cannot be vulcanized with sulfur, but can be cured with peroxides. In contrast, according to The Condensed Chemical Dictionary, EPDM is an elastomer based on stereospecific linear terpolymers of ethylene, propylene and small amounts of a nonconjugated diene. EPDM can be vulcanized with sulfur. Thus, EPR is co-polymer and EPDM is a terpolymer. A copy of these definitions from the Condensed Chemical Dictionary is enclosed." (pages 4-5 of response filed 4-11-05 / emphasis in original).

Although Bond et al discloses a tire tread comprising ethylene-propylene rubber and carbon black with natural rubber, polybutadienes and/or styrene-butadiene

Art Unit: 1733

copolymers (col. 1 lines 17-23, col. 1 lines 59-68, col. 2 lines 1-3, col. 2 lines 26-30, col. 2 lines 60-68, and example 8), the prior art of record (including Bond et al, Great Britain 870, Europe 137, Japan 104, Sandstrom and Kirk-Othmer), when considered as a whole, fails to suggest either (1) "a non-marking tread cap, the composition of the tread cap comprising between 30-70 parts of natural rubber and synthetic rubber, 20-50 parts of ethylene propylene rubber, 11-60 parts of carbon black, 11-60 parts of white carbon, and 7.5-12.5 parts of rubber oil, the parts being parts by weight of the tread cap" (claim 5 / emphasis added) or (2) "a non-marking tread cap, wherein the tread cap consists of natural and synthetic rubber, ethylene propylene rubber, polybutadiene rubber, carbon black, white carbon, rubber oil, zinc oxide, tackifier, microcrystallized wax, antioxidant, antiozonant, and optionally stearic acid, sulphemamide, mercapto benzothiazole, thiuram, insoluble Sulfur and Sulfur" (claim 5 / emphasis added).

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven D. Maki whose telephone number is (571) 272-1221. The examiner can normally be reached on Mon. - Fri. 7:30 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Blaine Copenheaver can be reached on (571) 272-1156. The fax phone

number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Steven D. Maki April 25, 2005

STEVEN D. MAKI PRIMARY EXAMINER

Page 5